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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/518,558	12/22/2004	Richard Michael Taylor	5035-203US//P29,654 USA	8427
7590 09/14/2006			EXAMINER	
Richard C Woodbridge			KIM, KENNETH S	
Synnestvedt Lechner & Woodbridge PO Box 592			ART UNIT	PAPER NUMBER
Princeton, NJ 08542-0592			2111	
			DATE MAILED: 09/14/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/518,558	TAYLOR, RICHARD MICHAEL	
Office Action Summary	Examiner	Art Unit	
	Kenneth S. KIM	2111	
The MAILING DATE of this communication ap	pears on the cover sheet w	ith the correspondence address	
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNI 136(a). In no event, however, may a will apply and will expire SIX (6) MOI e, cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 22 D	ecember 2004		
	s action is non-final.		
3) Since this application is in condition for allowa		ters prosecution as to the merits is	
closed in accordance with the practice under E	•	•	
Disposition of Claims	, ,	,	
· <u> </u>		\wedge	
4) Claim(s) <u>1-43</u> is/are pending in the application			
4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed.	whitem consideration.	Constitution with	
		KENNETH S. KIM	
6) Claim(s) <u>1-43</u> is/are rejected.		Primari Edimiter	
7) Claim(s) is/are objected to.	u alaatiaa uaaninamaant		
8) Claim(s) are subject to restriction and/o	r election requirement.		
Application Papers			
9)☐ The specification is objected to by the Examine	er.		
10)☐ The drawing(s) filed on is/are: a)☐ acc	epted or b) objected to	by the Examiner.	
Applicant may not request that any objection to the	drawing(s) be held in abeyar	nce. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the correct	tion is required if the drawing	(s) is objected to. See 37 CFR 1.121(d).	
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attache	d Office Action or form PTO-152.	
Priority under 35 U.S.C. § 119			
12)⊠ Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. §	3 119(a)-(d) or (f).	
a)⊠ All b)□ Some * c)□ None of:			
 Certified copies of the priority document 	s have been received.		
Certified copies of the priority document	s have been received in A	pplication No	
Copies of the certified copies of the prior	rity documents have been	received in this National Stage	
application from the International Bureau	• • • • • • • • • • • • • • • • • • • •		
* See the attached detailed Office action for a list	of the certified copies not	received.	
Attachment(s)			
Notice of References Cited (PTO-892)	A) Intendence	Summary (PTO-413)	
?) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date	
B) Information Disclosure Statement(s) (PTO/SB/08)	5) 🔲 Notice of I	nformal Patent Application	
Paper No(s)/Mail Date Mar10'05.	6)	<u>_</u> .	

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1. Claims 1-43 are presented for examination.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 3. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method of automatically configuring a microprocessor architecture as recited does not utilize any physical element and can be performed mentally on a piece of paper, and thus falls under the non-statutory subject matter. See "Interim Guidelines for Examination of Patent Applications for Subject matter Eligibility", Section (IV)(C)(3) and ANNEX V.
- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- (a) Claim 1, the single method step of "using executable code of another type of microprocessor to automatically adapt the instruction set" is an abstract statement and does not indicate any procedural step, and it is not clear what specific physical processes are performed.
- (b) Claim 43, apparatus claim does not recite any functional element.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 7. Claims 1 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Killian et al, U.S. Patent No. 6,477,683.

Killian et al teaches the invention as claimed in claims 1 and 43 including a method of configuring a microprocessor architecture, comprising the step of using executable code for another type of microprocessor (col. 6, line 53) in order to automatically adapt the instruction set of the microprocessor architecture (col. 6, line 55) at design time in dependence on the requirements of the executable code (col. 6, line 61).

8 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

<u>Matsumoto et al</u> taught a method of generating a microprocessor development environment for a selectively configured microprocessor.

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Wilson et al taught a method of designing selectively configured microprocessor instructions.

Wang et al taught a method of selecting features for configured microprocessor.

Matsui et al taught a method of designing an application optimal processor.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth S KIM whose telephone number is (571) 272-3627. The examiner can normally be reached on M-F (8:30-17:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

September 8, 2006

KENNETH S. KIM